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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,435	01/25/2002	Atanas Stoyanov	20406-18	9660
33401 7590 07/05/2007 MCDERMOTT WILL & EMERY LLP 2049 CENTURY PARK EAST 38th Floor LOS ANGELES, CA 90067-3208			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/057,435

Applicant(s)

STOYANOV ET AL.

Examiner

Jennifer Liversedge

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3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 23-26, 28-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8-22 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/19/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant has elected species #3 and contends that claims 13-22 should be included in group #3. Examiner initially indicated that claims 13-17 were in group 3 and that claims 18-22 were in group #4. However, Examiner will accept the request to include claims 13-22 in the examination represented in the present office action. Additionally, Examiner will include claims 8-12 and 27 in the current Office Action.

Further, Applicant has argued that no reasons or examples were provided in making the election/restriction requirement. Examiner will expand on the reasons provided in the initial requirement. The following groups were identified, and based on the content therein, would result in undue burden to the Examiner in searching the multitude of species presented:

(1) A leasing program that requires the lowest monthly payment. Species 2-6 do not state the limitation of identifying a lease program requiring a lowest monthly payment. In contract, for example, species 3 requires identifying a lease program with the largest profit.

(2) A leasing program for multiple customers. Species 2 states a limitation in which computers remote to each other transfer customer data to a central source, wherein multiple users operate the remote terminals for lease selection.

(3) A leasing program that generates the largest profit. Species 1-2 and 5-6 do not state the limitation of generating the largest profit.

(4) A leasing program that generates the largest profit for a particular monthly payment. Species 1-2 and 5-6 do not state the limitation of generating the largest profit and claim 3 does not provide the limitation that the largest profit is for a particular monthly payment.

(5) A leasing program that generates a specified paid reserve amount and calculating a money factor to generate the specified paid reserve amount. Species 1-4 and 6 do not state the limitation of a specified paid reserve amount and calculating a money factor to generate the specified paid reserve amount.

(6) A method for populating fields of a credit application. Species 1-5 do not state the limitation of populating fields of a credit application.

Claim Objections

Claim 14 is objected to because of the following informalities: the claim does not end as a complete sentence ending in a period. Appropriate correction is required.

Claims 15, 20 and 27 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

A proper dependent claim shall not conceivably be infringed by anything which would not also infringe the basic claim. See MPEP §608.01(n), Section III.

Claims 15, 20 and 27 recite "A computer system configured to perform the methods of claim 13/18/8...". Applying the infringement test, what is needed to infringe claims 15, 20 and 27, for example is a computer system for performing the steps of claims 13, 18 and 8. However, the computer system of claims 15, 20 and 27 would not infringe the method steps of claims 13, 18 and 8 since the computer system itself does not perform the active steps required by the method. In other words, mere possession of such a computer system would infringe claims 15, 20 and 27, but this is not enough to infringe claims 13, 18 and 8. As a result, claims 15, 20 and 27 are improper dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen.

Andersen discloses a method and computer system for selecting, from a plurality of lease programs, a lease program for each of a plurality of customers, the method comprising:

Collecting information about a first and second customer; entering information about the first and second customer in a first and second computer input device;

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transmitting the entered, collected information from the first and second computer input devices to a computer processing device, the device being configured to select, from a plurality of lease programs, a lease program according to a customer's information; and causing the computer processing device to select a least program for the first and second customer (columns 1-10; where the method and system are conducted over a network for servicing multiple customers and multiple deals as well as multiple dealerships working together across the shared network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,774,883 to Andersen et al. (further referred to as Andersen), and further in view of US Pub 2001/0049653 A1 to Sheets (further referred to as Sheets).

Regarding claims 13-18, Andersen discloses a method, computer system and computer readable storage media containing software for selecting, from a plurality of lease programs, a lease program that generates the largest profit (columns 3-6), the method comprising:

Receiving a second input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53); and

Identifying, for each of the vehicles, the lease program generating the highest profit (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27); and

Generating the highest profit for each of the monthly payment amounts (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27).

Andersen does not specifically disclose receiving a first input representing a target monthly payment amount. However, Andersen discloses receiving customer budget information (Figure 13a; column 5, lines 1-5; column 6, lines 15-18; column 12, lines 23-29; column 26, lines 6-11). Further, Sheets discloses receiving a first input representing a target monthly payment amount (Figure 3; page 1, paragraph 5; page 2, paragraph 18; page 4, paragraph 28; page 5, paragraph 36). It would be obvious to one

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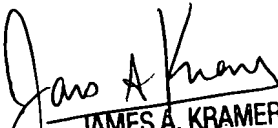
of ordinary skill in the art to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of specifying a target monthly payment as disclosed by Sheets. The motivation would be one's monthly vehicle payment is a portion of one's overall budget and would be a significant determiner in selecting a vehicle and the associated payment.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
6/25/07

Jennifer Liversedge

Examiner

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